

REMARKS/ARGUMENTS

Claims 1-40 remain in the application. Claims 4 and 27 were objected to for noted informalities. Appropriate correction has been made. Claims 4, 10, 20, 23, 28 and 40 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1, 4-16, 20, 21, 25-28 and 34-35 stand rejected under 35 U.S.C. 102 as being anticipated by Edwards. Claims 2, 3, 30 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Scott. Claims 17, 18, and 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Cherian. Claims 19, 29, 32, 33, 37 and 38-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Tsakiris. Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in view of Snowdon. Claims 23 and 24 stand rejected under 35 U.S.C. 103(a) over Edwards in view of Scott. These rejections are respectfully traversed.

In regards to the rejections under 35 U.S.C. 112, claims 5 (not 4), 10, 23, 28, and 40 have been amended to correct the noted informality. The Applicants believe that the Examiner mistakenly rejected claim 4 instead of claim 5, because claim 5 contained the term “smartphone,” and claim 4 did not. Claim 20 has not been amended, because “Bluetooth” is used in the claim to refer to the widely known and commonly understood communications protocol, not to a device that has been certified for use with the registered service mark.. See, e.g., <http://en.wikipedia.org/wiki/Bluetooth>, which states that “Bluetooth is an industrial specification for wireless personal area networks (PANs), also known as IEEE 802.15.1.” Claim 23 has been amended to correct the spelling of “kernel,” but the applicants note that merely because a Linux kernel has a broad meaning, that broad meaning in and of itself does not render the claim indefinite. For example, consider the term “current,” which can mean a flow of electricity or water. One of ordinary skill in the art would readily understand that a claim to an electrical device having a “current carrying structure” covers a structure that carries electrical current, and not flowing water. As such, the use of the term “current” is not indefinite in the example, because the claim (and presumably the specification, which the claims must be construed in light of) limits a reasonable interpretation of “current carrying structure” to the

structure that carries electrical current. Likewise, the use of the term “Linux kernel” in claim 23 is definite when that term is given its broadest reasonable interpretation in light of the specification and claims. Withdrawal of the rejection of claims 20 and 23 is respectfully requested.

Edwards fails to provide a basis for the rejection of any of claims 1-40, either alone or in combination with other art, because it fails to provide a basis for the rejection of the claims under any of the provisions of 35 U.S.C. 102. The filing date of Edwards is August 1, 2002. In contrast, the pending application is a continuation-in-part application of U.S. 09/559,678, now U.S. patent 6,594,719, and which claimed priority to U.S. provisional patent application 60/198,317, filed April 19, 2000, and is also a continuation-in-part of U.S. 09/819,054, now U.S. Patent 6,715,022, which was a divisional application from U.S. 09/130,058, now U.S. Patent 6,070,214, and which was filed on August 6, 1998. Support for each of the independent claims of the pending application can be found in U.S. 6,715,022 ('022) and U.S. 6,594,719 ('719), as described below, and Edwards has been applied as a reference against each of the independent claims, either under 35 U.S.C. 102 or 103. As such, Edwards was filed over three years too late to serve as an anticipatory reference under 35 U.S.C. 102 or 103.

Consider claim 1, which includes a connectivity device [fig. 1 element 10]; ('022 - fig. 5 element 130), comprising: a processor executing an operating system [fig. 1 element 12, paragraph 16]; ('022 - fig. 5 element 128); a first interface responsively coupled to the processor [fig 1 element 12 has a network interface that connects to network element 18 – paragraph 16]; ('022 – Fig. 3 element 90) and adapted to communicate with a physically remote handheld portable communications device [fig. 1 elements 14(1) to 14(n)]; ('719 – col. 4, lines 27-39; col. 6, lines 4-45; '022 Fig. 5, elements 134 and 132); and a second interface responsive to the processor [fig 1 element 16 has a network interface that connects it to network element 18 – paragraph 18]; ('022 – Fig. 5, element 102; '719 – col. 6, lines 4-45) and adapted to drive a physically remote display as a function of commands received from the physically remote handheld portable communications device [paragraph 22]; ('022 – Fig. 5 elements 132 and 134). The elements from Edwards which the Examiner has considered to meet the claimed elements are shown in brackets [. . .], and the

corresponding exemplary and non-limiting disclosure from the ‘022 patent and the ‘719 patent have been shown in brackets (. . .). As can be readily seen, support is found in the ‘022 patent and the ‘719 patent for each of the claim elements, as construed by the Examiner. Claims 2 through 24 depend from claim 1, and are allowable at least for the reasons that they depend from an allowable base claim and add additional limitations not found in the prior art, and because Edwards was used as a basis for the rejection of these dependent claims, some or all of which also find support in the priority filings.

Likewise, claim 25 was rejected on the same grounds as claim 1, traversed above. Claims 26 through 36 depend from claim 25, and are allowable at least for the reasons that they depend from an allowable base claim and add additional limitations not found in the prior art, and because Edwards was used as a basis for the rejection of these dependent claims, some or all of which also find support in the priority filings.

Claim 37 includes a handheld computing device [fig. 1 elements 14(1) to 14(n), fig. 6 element 14(1)]; (‘022 – Fig. 5, element 126), comprising: a display [fig 1 elements 14(1)-14(n) show screens, fig. 6, element 30]; (‘022 - Fig. 5, element 138); a processor [fig. 1 elements 14(1)-14(n) have processors inside]; (‘022 – Fig. 5 element 128) adapted to execute a visual presentation program [paragraph 17, paragraph 22]; (‘022 – col. 8, lines 35-51; ‘719 – col. 1, lines 57-61); the processor further being adapted to receive and respond to control data received from a physically remote control device to control the visual presentation program [paragraph 17, paragraph 22]; (‘022 – col. 8 lines 11-24). As can be readily seen, support is found in the ‘022 patent and the ‘719 patent for each of the claim elements, as construed by the Examiner. Claims 38 through 40 depend from claim 37, and are allowable at least for the reasons that they depend from an allowable base claim and add additional limitations not found in the prior art, and because Edwards was used as a basis for the rejection of these dependent claims, some or all of which also find support in the priority filings.

In conclusion, the Examiner has failed to provide a *prima facie* basis for the rejection of any of the claims. Withdrawal of the rejections and allowance of all pending claims is respectfully requested.

CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicant submits that all of the claims now present are allowable, and withdrawal of the rejection and a Notice of Allowance are courteously solicited.

If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the Examiner is hereby requested by the undersigned at (214) 953-5990 so that such issues may be resolved as expeditiously as possible.

A fee of \$120.00 for a one month extension of time is believed to be due, a petition for which is hereby made, and a check in the amount of \$120.00 is included herewith. If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Jackson Walker L.L.P., No. 10-0096.

Dated: September 15, 2006

Respectfully submitted,

Jackson Walker L.L.P.

By: _____

Christopher J. Rourk
Reg. No. 39,348
Attorney for Applicants

901 Main Street
Suite 6000
Dallas, Texas 75202
Direct: 214-953-5990
Fax: 214-661-6604
Email: crourk@jw.com